

## **REMARKS**

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 5, 11, 12 and 42 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. No new matter has been added. Claims 6–10 and 46–48 have been canceled without prejudice or disclaimer. Claims 1–4 were previously canceled.

Upon entry of this amendment, claims 5 and 11–45 will be pending in the present application, with claims 5, 14, 31, 33, 36, 37 and 42 being independent.

### **1. Rejections under 35 U.S.C. 102**

#### **A. Rejections Based on Kouloheris et al.**

Claims 5–9 and 14–45 are rejected under 35 U.S.C. 102(b) as being anticipated by Kouloheris et al. (5,915,094). Applicants respectfully traverse this rejection for at least the following reasons.

Kouloheris et al. discloses offloading the delivery of continuous media data from a host processor of a traditional server to a stream control subsystem, which is added to the traditional server to off-load or assist the host. The stream control subsystem, or stream controller, may accept video stream control commands from the host and in response, transmit the specified video data to a specified client at the appropriate rate (see col. 5, lines 12–22). Kouloheris et al. discloses that video data may be divided into stripes which are interleaved (striped) across disks in an array to avoid a few disks with popular movies from becoming a bottle neck (see col. 5, lines 34–36). A stream control table 500 functions as the central data structure in the stream controller, and maintains the state for each active continuous media stream and drives the real time processes for reading disks and transmitting data to the network (see col. 9, lines 56–60). The stream control table 500 has an entry 510 for each continuous media stream that may contain

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pointers to a read buffer, a transmit buffer and various stripe pointers that point to a set of disk blocks (see col. 9, line 61 – col. 10, line 12). Kouloheris et al. discloses that movies X, Y and Z may be striped across four disks, with Tables 63 illustrating how the striping is done for each disk (see col. 13, lines 48–55; Figure 10). Kouloheris et al. also discloses that the a video file is striped across all disks with each stripe containing data for a fixed playback time, with all streams accessing all disks in the same order (see col. 11, lines 53–56; col. 15, lines 1–5).

Therefore, Kouloheris et al. discloses striping video data across disks in an array according to a fixed playback time, and accessing the striped video data using a stream controller that has a control table with entries having pointers to various striped data. However, Kouloheris et al. fails to disclose that the video data is striped across the disks in the array, or that the pointers in the control table are developed, according to rules specific to a particular type of event captured by the television program, such as, for example, the specific rules of a sporting event. For example, in an embodiment of the present application relating to a football game, program indices are associated with discrete events in the football game that correspond to specific rules of the game, such as, for example, when the ball is snapped, when a time out is called, and when a whistle blows ending a play. For example, as discussed in the specification of the present application:

. . . the Sports Content Aggregator 402(1) also generates a game log of indices of those sporting events according to predetermined game rules that apply to particular sporting events. The indices are created from the various data feeds provided by the Sports Data providers 414, and include data concerning game play such as when a ball is snapped, when a time out is called, and the like . . . In this example, a first game rule may require a log to be captured each time the football is placed into play, i.e., each time the ball is placed into play from a scrimmage and for any kick-off. A second rule may require a log to

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be captured whenever the whistle blows ending a play . . .  
In this way, the Content Aggregator 402 creates real-time DVR data that may . . . permit a “smart skip” or “intelligent skip” forward and backward DVR playback to enable a viewer to jump between plays of interest . . . (see paragraph 54; emphasis added).

In contrast, Kouloheris et al. is completely silent as to program indices developed according to specific rules of a particular type of event. As a result, Kouloheris et al., at the sections cited by the Office Action or elsewhere, fails to disclose or suggest at least the elements of program indices corresponding to predetermined event logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included in independent claim 5. Independent claims 14, 31, 33, 36, 37 and 42 include similar elements.

Therefore, since Kouloheris et al. fails to disclose or suggest every element of independent claims 5, 14, 31, 33, 36, 37 and 42, these claims are allowable.

Claims 15–30 depend from claim 14. Claim 32 depends from claim 31. Claims 34–35 depend from claim 33. Claims 38–41 depend from claim 37. Claims 43–45 depend from claim 42. As discussed above, claims 5, 14, 31, 33, 37 and 42 are allowable. For at least this reason, and the additional features recited therein, claims 15–30, 32, 34–35, 38–41 and 43–45 are also allowable.

Since claims 6–9 have been canceled, the rejection of these claims is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 5–9 and 14–45 under 35 U.S.C. 102(b) are respectfully requested.

**B. Rejections Based on Ellis et al.**

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Claims 46–47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (2002/0054068). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 46–47 have been canceled. Therefore, the rejection of these claims is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 46–47 under 35 U.S.C. 102(e) are respectfully requested.

**C. Rejections Based on Williams et al.**

Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (5,945,988). Applicants respectfully traverse this rejection for at least the following reasons.

Claim 48 has been canceled. Therefore, the rejection of claim 48 is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 48 under 35 U.S.C. 102(b) are respectfully requested.

**2. Rejections under 35 U.S.C. 103**

**A. Rejections Based on Kouloheris et al. and Alexander et al.**

Claims 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouloheris et al. in view of Alexander et al. (6,177,931). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Kouloheris et al. fails to disclose or suggest all of the elements of independent claim 5. Alexander et al. fails to cure this defect.

The Office Action on page 11 cites Alexander et al. in asserting that the reference teaches “displaying and recording control interface with television programs which receives an event–based indicator and adjusts the record time of a television

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program based upon the event-based indicator, extending the record time based on the event-based indicator and for causing the client system to automatically record the televised program based upon the event-based indicator” (citing col. 11, line 64 – col. 12, line 9). Even assuming arguendo that this assertion regarding Alexander et al. is correct, Alexander et al. still fails to disclose or suggest at least the elements of program indices corresponding to predetermined event logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included in claim 5.

Therefore, since Kouloheris et al. and Alexander et al., alone or in combination, fail to disclose or suggest every element of independent claim 5, this claim is allowable over the cited references.

Claims 11 and 13 depend from claim 5. As discussed above, claim 5 is allowable. For at least this reason, and the additional features recited therein, claims 11 and 13 are also allowable.

Since claim 10 has been canceled, the rejection of this claim is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 10, 11 and 13 under 35 U.S.C. 103(a) are respectfully requested.

**B. Rejections Based on Kouloheris et al., Alexander et al. and Ellis et al.**

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kouloheris et al. in view of Alexander et al. and further in view of Ellis et al. Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Kouloheris et al. and Alexander et al. fail to disclose or suggest all of the elements of independent claim 5. Ellis et al. fails to cure this defect.

The Office Action on page 11 cites Ellis et al. in asserting that the reference teaches reducing a recording time (citing paragraphs 68–75, 77–80 and 82–86).

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However, Ellis et al. fails to disclose or suggest the elements of program indices corresponding to predetermined event logs for at least one of the programs in the television programming, wherein the program indices are developed according to one or more rules that apply to a particular type of event captured by the television programming, as included in claim 5.

Therefore, since Kouloheris et al., Alexander et al. and Ellis et al., alone or in combination, fail to disclose or suggest every element of independent claim 5, this claim is allowable over the cited references.

Claim 12 depends from claim 5. As discussed above, claim 5 is allowable. For at least this reason, and the additional features recited therein, claim 12 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. 103(a) are respectfully requested.

### 3. Conclusion

Accordingly, in view of the above amendments and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: November 12, 2007

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